

TAB B

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

<p>PHILLIP LEE; PAMELA WHITE; PATRICIA VANDUSEN; RONALD ALLIX; and RANDY WELCH, individually and on behalf of all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>BELVOIR MEDIA GROUP, LLC,</p> <p>Defendant.</p>	<p>Case No. 4:22-cv-12153-SDK-DRG</p> <p>REPLY DECLARATION OF THOMAS E. CANFIELD</p>
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I, Thomas E. Canfield, pursuant to 28 U.S.C. § 1746, declare as follows:

1. As stated in my previous declaration dated January 25, 2023 (the “MTD Declaration”), filed in support of Belvoir Media Group, LLC’s (“Belvoir”) Motion to Dismiss the First Amended Complaint, I am the Vice President of Circulation at Belvoir and manage Belvoir’s marketing database. I have been in this role since 2006. In my over twenty years with the company, I have held a number of different roles at Belvoir.

2. I make this Reply Declaration in further support of Belvoir’s Motion to Dismiss the First Amended Complaint (“FAC”) based on my review of the Declaration of Ronald Allix (“Allix Declaration”), attached as Exhibit C to the

Plaintiffs' Response, in which Allix provides two new addresses allegedly associated with subscriptions to *Kitplanes* and *Cleveland Clinic Men's Health Advisor*.

3. Based on my review of the internal database, as described in the MTD Declaration, Belvoir has no record that anyone named Ronald Allix, at the addresses provided in the Allix Declaration, purchased *Cleveland Clinic Men's Health Advisor* prior to July 31, 2016 as a subscriber or donor.

4. Belvoir does have a record of an individual named Ronald Allix at one of the addresses provided in the Allix Declaration for a *Kitplanes* subscription that expired in 2008. However, that subscription was not sold to Allix by Belvoir. Rather, it was ordered through a third-party subscription agent.

5. One way that Belvoir sells magazines is through third-party subscription agents: a customer places an order and pays the third-party subscription agent; the third-party subscription agent forwards the order information to Belvoir and pays Belvoir a discounted or lower amount (*i.e.*, the third-party subscription agent retains some profit); and Belvoir fulfills the order by mailing the magazine directly to the customer for the duration of the subscription period.

6. Allix ordered and paid for *Kitplanes* through a third-party subscription agent. The third-party subscription agent sent the order information to Belvoir and

paid Belvoir a nominal amount. Belvoir then filled the order using the order information provided by the third-party subscription agent.

7. There were two sales here: Belvoir's sale to the third-party subscription agent and the third-party subscription agent's sale to Allix.

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I declare under penalty of perjury under the law of the United States that the foregoing is true and correct.

Executed this 9th day of March, 2023 in NORWALK, CT.

A handwritten signature in black ink, appearing to read "Thomas E. Canfield", written over a horizontal line.

Thomas E. Canfield